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Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Serial No.: 09/822,651

Confirmation No.: 9447

Filed: 30 March 2001

For: WEB HAVING DISCRETE STEM REGIONS

For a claim to be anticipated under 35 U.S.C. § 102(b), each and every element of the claim must be found in a single prior art reference (M.P.E.P. §2131). Applicants respectfully submit that Wessels et al. fails to teach each and every element of claims 71-79, 81-84, 86-90, 92-106, and 108.

Each of independent claims 71, 83, and 94 recites, *inter alia*, "a plurality of discrete polymeric regions fused to the first major side of the substrate . . . wherein the plurality of discrete polymeric regions are located only on the first major side of the substrate." (emphasis added).

In contrast, Wessels et al. discloses a molded surface fastener wherein a synthetic resin (that forms hook elements) *encapsulates* a substrate (*see, e.g.*, Wessels et al., Figures 4A-4F) such that the resin is present on both major sides of the substrate. In fact, Wessels et al. makes clear that the woven or knit cloth to be used "must have adequate pores for the passage of molten resin." (col. 3, lines 36-37). Thus, when manufactured, the molten resin passes through the pores of the woven or knit cloth "to embed the foundation structure of the pile woven or knit cloth in the molten resin." (col. 4, lines 14-20, emphasis added).

Because the polymeric resin is present on both sides of the embedded substrate, Wessels et al. cannot anticipate independent claims 71, 83, and 94 or any of dependent claims 72-84, 86-93, 95-106, and 108 subject to this rejection.

In response to the Applicants' previous arguments, it is asserted in the Office Action that "[i]t is irrelevant that this result is achieved through encapsulation because claims 21, 40 and 48 are *product claims* which do not recite negative limitation that the web should not have polymeric regions fused to other side of the web." *Office Action*, August 23, 2006, pg. 4 (Applicants assume that the Office Action intended to refer to claims 71, 83, and 94 instead of previously canceled claims 21, 40, and 48.).

Applicants disagree.

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Claims 71, 83, and 94 do recite, what is, in effect, a negative limitation, in stating that "the plurality of discrete polymeric regions are located only on the first major side" of the substrate (emphasis added).

For at least the above reasons, Applicants submit that claims 71, 83, and 94 are not anticipated by Wessels et al. Furthermore, because claims 72-79, 81, 82, 84, 86-90, 92, 93, 95-106, and 108 are directly or ultimately dependent on claims 71, 83, or 94, claims 72-79, 81, 82, 84, 86-90, 92, 93, 95-106, and 108 are also novel in view of Wessels et al.

Reconsideration and withdrawal of the anticipation rejection of claims 71-79, 81-84, 86-90, 92-106, and 108 over Wessels et al. are respectfully requested.

**The 35 U.S.C. §103 Rejection**

Claims 85 and 107 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wessels et al. (U.S. Patent No. 5,669,120) in view of Murasaki (U.S. Patent No. 5,643,651). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P § 2143.

Applicants submit that a *prima facie* case of obviousness of claims 85 and 107 over Wessels et al. in view of Murasaki has not been established. As stated above in regard to the anticipation rejection of independent claims 83 and 94 (from which claims 85 and 107 depend), Wessels et al. does not teach every element of claims 83 and 94 (e.g., discrete polymeric regions located on only the first major side of the substrate).

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Murasaki does not remedy the deficiencies of Wessels et al. Rather, Murasaki also teaches articles in which a substrate 12 is embedded in polymeric regions that are also present on both major surfaces of the substrate.

For at least these reasons, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claims 85 and 107. Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

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Summary

It is respectfully submitted that the pending claims 71-79, 81-90, and 92-108 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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18 OCT. 2006

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of October, 2006, at 1:16 p.m. (Central Time).

By: P. GebhardtName: P. Gebhardt